

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land Acquisition – Yeleru Reservoir Project – East Godavari District – Rajahmundry Division – Gokavaram (M) Kalijolla (V) – Land acquired under Award No.49/85, dated.1-8-1985 for YRP – Land value enhanced in O.P.No.88/86–Appeal filed in A.S. (SR) No.12153/97 - Dismissed – Sanction of entire / full decretal charges – orders - issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt. No :470

Date: 7 .6.2008

Read the following:

1. From District Collector, East Godavari Dist, Kakinada.
Lr.No. G1/491 /2008., Dt.25.1.2008
2. From the Spl.Chief Secretary to Govt & CCLA, A.P, Hyd
letter.No.SRP3/175/2008,dtd.4.4.2008

ORDER:-

In the references read above, it has been reported that an extent of Ac.54.03 Cents of G.Wet / G.Dry lands in S.No.31,32 etc.,situated in Kallijolla village of Gokavaram Mandal, was acquired under Award No.49/85 by the Spl.Dy.Collector(LA), YRP, Unit-I,Yeleswaram on 1.8.85 duly fixing the land value @ Rs.7,000/- , Rs.6,000/-, Rs.5,000/- and Rs.3,500/- per acre for the land covered under acquisition. At the request of the aggrieved land owners covered with an extent of Ac.1.10 cts, for which LAO fixed the land value @ Rs.6,000/- per acre, the claims U/s 18 of L.A. Act were referred to the Civil Court. The Addl.Subordinate Judge, Rajahmundry after considering the reference pronounced decree and judgment in O.P.No.88/86, dated.10.10.96 enhancing the land value fixed by the LAO from Rs.6,000 to Rs.20,000/- and further ordered that the claimant is entitled to interest on the excess amount of compensation.

2. Aggrieved by the Lower Court orders, , the State preferred an Appeal in AS (SR).No.12153/97 before the Hon'ble High Court against the decree in O.P.No.88/86. The Hon'ble High Court dismissed the appeal in AS(SR).No.12153/97 on 1.3.2007.

3. The District Collector, East Godavari has requested the Government to sanction and release an amount of Rs.81,242/- towards entire decretal amount to comply with the Lower Court Orders dated.10.10.96 in O.P.No.88/86. The Spl.Chief Secretary to Government & CCLA, A.P, Hyderabad, has forwarded the proposal of the District Collector, East. Godavari District and recommended the Government to release the amount.

4. Government have examined the matter carefully and hereby accord sanction for an amount of Rs.81,247/- (Rupees Eighty One thousand Two hundred and Forty Seven only) in respect of O.P.No.88/86 towards entire / full decretal amount to comply with the orders of Hon'ble Lower Court dated.10.10.1991 in O.P.No.88/86., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, immediate action should be taken to recover the loss sustained by the Govt., from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irri), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

(P.T.O)

5. The amount sanctioned in para (4) above shall be debitable to "4701 - COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R. Scheme -G.H.11 Normal State Plan - S.H. (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari, Kakinada is further directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants as was done in respect of O.P.No.88/86, under Yeleru Reservoir project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2279/F.7(A1)/08-1, dt.21.5.2008.

(BY ORDER AND IN THE NAME OF THE GOVONER OF ANDHRA PRADESH)

SUTIRTHA BHATTACHARYA
SECRETARY TO GOVERNMENT

To,

The District Collector, East Godavari, Kakinada.

The Engineer-in-Chief (Irr), Erramanzil, Hyderabad.

The Special Chief Secretary Govt & CCLA, A.P, Hyderabad

The Revenue Divisional Officer, Rajahmundry.

The Chief Engineer, VYPP Unit, Dowlaiswaram.

The Superintendent Engineer, YRPC Circle, Kakinada.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram

The Accountant General, Andhra Pradesh, Hyderabad

Copy to Finance (W&P) Department

Copy to stock file/spare copies.

Copy in the file C.No.4133/L.A.I(2)/08

//FORWARDED :: BY ORDER //

SECTION OFFICER